

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

SHANNON LEWANDOWSKI

Plaintiff,

v.

Case No: 16-CV-1089

CITY OF MILWAUKEE

Defendant.

**PLAINTIFF'S RULE 7(h) EXPEDITED, NON-DISPOSITIVE
MOTION TO COMPEL DISCOVERY UNDER RULE 37**

Plaintiff hereby moves in expedited fashion, pursuant to CIV. L. R. 7(h) and FED. R. CIV. P. 37, to compel the deposition of a key defense witness in this case, Police Captain John Sgrignuoli. The deadline for discovery in this case is January 18, 2019, and Plaintiff has been unable to procure the attendance, either voluntary or via subpoena, of this defense witness. The parties have conferred in good faith in multiple attempts to resolve this dispute but remain at an impasse. See the Heins Declaration, attached.

Plaintiff has been seeking the deposition of John Sgrignuoli specifically since November 19, 2018 in this case. Mr. Sgrignuoli was Plaintiff's supervisor and has knowledge of Plaintiff's investigation and termination, and he also has knowledge of his activities that resulted in discipline far less than Plaintiff's, as a comparator. He also has knowledge of Melanie Beasley's situation and Nancy Acosta's for comparator purposes. See Heins Declaration, attached. Since November, while defense counsel has provided contact information and proposed deposition dates for most other witnesses requested by Plaintiff, he has not done so for Mr. Sgrignuoli. In

fact, he declines to do so. Furthermore, the witness has been evading service of two subpoenas and continues to do so. See the Heins Declaration, attached.

Plaintiff seeks an order compelling the attendance of defense witness John Sgrignuoli at a deposition on a date mutually convenient for the parties sometime in the next 45 days and allowing for time for reasonable discovery follow-up after his deposition on issues raised in that deposition. Plaintiff also seeks her reasonable attorney fees and costs in having to bring this motion.

Dated this 14th day of January, 2019.

HEINS EMPLOYMENT LAW PRACTICE LLC
Counsel for the Plaintiff

s/ Janet L. Heins .
Janet L. Heins, State Bar No. 1000677

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